

CHAPTER I

RULES OF PRACTICE & PROCEDURE

PUBLIC SERVICE COMMISSION OF WYOMING

Section 101. Authority. These rules are promulgated pursuant to the Wyoming Administrative Procedure Act, W.S. 9-4-101 through 9-4-115, and the Wyoming Public Utilities Act, W.S. 37-1-101 through 37-3-114, 37-6-101 through 37-6-107, and 37-8-101 through 37-12-213.

Section 102. Offices of the Commission. The offices of the Commission are located at 700 West 21st Street, Cheyenne, Wyoming 82002. The regular office hours of the Commission for the transaction of public business are 8:00 A.M. to 5:00 P.M. each day except Saturday, Sunday, and legal holidays.

Section 103. Definitions. The following definitions as used in these rules shall apply:

(a) "Commission" and "Commissioner" means the Public Service Commission of Wyoming or a member thereof respectively.

(b) "Designated hearing officer" means the presiding member of the Commission or Commission employee designated by the Commission to conduct a specific public hearing in matters before the Commission.

(c) "Party" means each public utility, person, agency, partnership, unincorporated association, group, corporation, the Wyoming Attorney General or his representative or Commission staff member assigned by the Commission to assert or have an adversary position, named or admitted as an applicant, complainant, intervenor, defendant, or respondent in any proceeding before the Commission or any person properly seeking and entitled as of right to be admitted as a party. However, nothing in these Rules shall prevent the Commission, upon its own motion for good cause shown, from allowing any interested person or group to appear in any proceedings before the Commission, whether or not such person or group shall have been granted permission to intervene.

(d) "Applicant" means any public utility or person seeking the whole or part of any Commission permit, certificate approval, registration or similar approval, the grant or denial of which is required by law to be determined by the Commission.

(e) "Complainant" means any party as defined in (c) above

complaining to the Commission of anything, actual or proposed, done or omitted to be done in violation of the Wyoming Public Utilities Act or of an order, rule, or regulation of or authorized by the Commission.

(f) "Intervenor" means any public utility or person affected by any application, petition, formal complaint or motion filed with the Commission, who files an intervention in Commission proceedings involving the same, when admitted by the Commission.

(g) "Protestant" or "proponent" (except in matters involving motor or rail carriers) means any public utility or person objecting to or supporting an application or petition which the Commission may have under consideration. Protestants or proponents may file written comments or make oral presentations in a contested case which will alert the Commission to areas to be considered. However, such action will not serve to make the protestant or proponent an intervenor. Any protestant or proponent desiring to be an intervenor shall petition to intervene. Unless waived by the parties to any proceeding, protestants or proponents shall be subject to cross-examination as provided in Wyoming Administrative Procedure Act. In matters involving motor or rail carriers, the term protestant shall be synonymous with the word intervenor as defined above.

(h) "Respondent" means any person subject to the jurisdiction of the Commission to whom an order or notice is issued by the Commission; and any person subject to the laws, rules, regulations and orders administered or promulgated by the Commission against whom any complaint is filed.

(i) "Case" or "Docket" means any matter formally docketed by the Commission from the time of the initial filing or action instituting the case or docket through the final order, future ordered action, and the appeal process.

(j) "Tariff" means every individual or joint rate, classification, fare, toll, charge or other compensation, in the plural number as well as in the singular, for service rendered or to be rendered by any public utility, and every rule, regulation, requirement or privilege in any way relating to such rate, fare, toll, charge or other compensation, and any schedule or tariff or part of a schedule or tariff thereof.

Section 104. Filing of Applications, Other Documents and Communications, Amendments and Determinations of Time (Except for Transportation Matters Filed Under Chapter VIII of These Rules):

(a) All applications, petitions, formal complaints, motions or other communications should be addressed to the Commission and should designate the Commission docket number if known. The person filing or

communicating should state his address and the party he represents. Any filing must be accompanied by appropriate fees as required by law. If the Commission is of the opinion that any matter tendered for filing is deficient or incomplete, the Commission may decline to accept the matter as filed and shall advise the person filing where the deficiency lies. The date of receipt of a filing by the Commission and not the date of deposit in the mails is the receipt or filing date for all purposes in these rules.

(b) All persons filing applications, petitions, formal complaints or motions, shall file at least eight copies thereof, typed, printed or otherwise legibly reproduce, so far as practicable, on 8 1/2 by 14 inch paper with sufficient margins for use in loose-leaf ring binders. The Commission may require the Applicant or other filing party to file additional copies of the complete Application; or may require Applicant or other filing party to serve Parties on a service list or lists that the Commission will provide and maintain, and to certify to such service.

(c) Pre-filed testimony and exhibits shall be filed by applicants, intervenors and staff in the manner and at the time designated by the Commission by separate order.

(d) Proposed amendments to any application or pleading filed with the Commission may be allowed. However, if the Commission determines that the proposed amendment materially or substantially alters the initial filing to the extent that it presents a new set of facts or considerations requiring substantial reconsideration and reparation by the Commission, its staff, or any other parties, or concerning which amended filing the public or parties have not been and must be adequately noticed under the Wyoming Administrative Procedure Act, the Commission will require notice be given of the amendment pursuant to Section 106 of these Rules and may with and in that notice order the filing date of the amendment to thereafter be the initial filing date for all purposes in that proceeding, including for the purpose of calculating the rate suspension periods under W.S. 37-3-106 (1977) as may be amended. The Commission may as a result of a filed amendment reset the date of any previously scheduled public hearing. Proposed amendments that the Commission determines will impair the rights or interests of other parties, or the public may be denied, set over to be considered separately, or be considered in the same case along with the application or pleading proposed to be amended.

(e) The Commission may during any public hearing in a case permit or order any party to file at a set time after the public hearings in the case have been completed, late filed exhibits which may include any document, map, printed material or physical evidence not reasonably available for the public hearings, such permission or order shall not be given unless all parties agree to the filing, each waives right of cross examination

thereon, and each is given the opportunity to respond by written comment to the exhibit after it is filed. Any responses to a late filed exhibit shall be made part of the record in the case and be considered by the Commission along with the late filed exhibit.

(f) Applications for authority to establish or change tariffs shall be in compliance with the provisions of Chapter II, Section 212 of the Commission's Regulations. However, documents filed in support of the application shall be in compliance with subsection (b) of this section.

Section 105. Service. Unless otherwise directed by the Commission, all documents requiring service shall be served upon all parties to the case or docket and proved in accordance with the Wyoming Rules of Civil Procedure.

Section 106. Notice. Notice of hearing shall conform to the Wyoming Administrative Procedure Act. The manner and time for giving notice shall be as follows:

(a) As specifically required by statute.

(b) In all cases requiring a hearing or notice the Commission shall give or direct the utility to give reasonable notice to all interested persons either by mail, by general publication, or in any other manner ordered by the Commission.

(c) Notice of an application to establish or change tariffs shall be given in the manner provided by Chapter II, Section 212 of the Commission's Regulations.

Section 107. Subpoenas.

(a) Subpoenas, requiring the attendance of witnesses at any designated place of hearing or for the production of books, papers, or other documents, may be issued by members of the Commission or by the designated hearing officer, upon written application of any party or upon motion of the Commission in accordance with the Wyoming Rules of Civil Procedure and the Wyoming Administrative Procedure Act. The party seeking the issuance of subpoenas shall supply the same for Commission signature.

(b) Subpoenas for the production of books, papers or documents shall set forth the items to be discovered with particularity.

(c) All subpoenas shall be served by personal delivery or in any other manner permitted by the Wyoming Rules of Civil Procedure to the

party served.

(d) Cost of the subpoenas shall be paid by the party requesting the service.

Section 108. Depositions. In any contested case before the Commission, the taking of depositions shall be governed by and shall be available to the parties and to the Commission on its own motion in accordance with the provisions of the Wyoming Administrative Procedure Act.

Section 109. Discovery Generally. In all contested cases discovery shall be available to the parties in accordance with the provisions of the Wyoming Administrative Procedure Act.

(a) Any party seeking to set, shorten or lengthen the time allowed for discovery shall do so by motion to the Commission, and the same may be allowed for good cause shown.

(b) Although prefiled hearing exhibits filed according to Section 104 may be made available to the parties in any contested case, the completeness of the exhibits or lack of timeliness of making such exhibits available will not in and of itself be considered a failure to comply with discovery procedures.

Section 110. Witness Fees. Witnesses who are summoned before the Commission are entitled to the same fees as are paid for like service in the District Courts of the State of Wyoming. Such fees shall be paid by the party at whose insistence the testimony was taken.

Section 111. Appearances.

(a) Appearances and representation of parties shall be made as follows:

(i) An individual may appear and be heard in his own behalf.

(ii) A co-partnership may appear and be represented by a co-partner.

(iii) A corporation may appear and be represented by a corporate officer or a full-time employee of said corporation.

(iv) A municipal corporation or its board of public utilities may appear and be represented by a municipal officer, a member of said board or a full-time employee of said municipality or board.

(v) An unincorporated association may appear and be represented by any bona fide general officer or full-time employee of such association.

(vi) Any party to a proceeding may appear and be represented therein by an attorney at law who is duly admitted to practice in Wyoming and is an active member of the Wyoming State Bar. No attorney from any other state shall be entitled to enter his appearance in, prosecute or defend any action or proceeding pending before the Commission unless he shall have associated with him in such action or proceeding, and present with him at all hearings upon the matter, an active member of the Wyoming State Bar.

(b) Any person appearing in a proceeding before the Commission shall conform to the recognized standards of ethical conduct.

(c) Nothing contained herein shall prohibit staff members of the Commission from interrogating witnesses or otherwise fully participating in proceedings before the Commission. However, whenever the staff determines to present evidence adverse to a party in a contested case, it shall notify all parties either orally or in writing of its intention to do so not later than ten days prior to the scheduled hearing date unless otherwise ordered by the Commission.

Section 112. Computation of Time, and Continuances and Extensions.

(a) In computing any period of time prescribed or allowed by these Rules, the day of the act, filing, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or generally accepted legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or generally accepted holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and generally accepted legal holidays shall be excluded in the computation.

(b) Any request for extension of time or continuance shall be made by written application to the Commission, or a request of record during a public hearing may be made by a party. Extensions of time or continuances shall be allowed at the discretion of the Commission.

Section 113. Intervention.

(a) Any person or public utility affected by any application, petition, formal complaint or motion filed before the Commission and who seeks to become an intervenor in any proceedings involving the same, shall petition

for leave to intervene in such proceedings prior to or at a time set by the Commission in its notice of hearing, but not thereafter except for good cause shown. The petition shall set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding and if affirmative relief is sought, the same shall conform to the requirements for a formal application, complaint or petition. (See subsection g. of Section 103 of this Chapter for matters relating to motor and rail carriers.)

(b) The party intervening must serve notice of such proposed intervention on all parties of record to the proceeding.

(c) If leave is granted, the petitioner shall become an intervenor and a party to the proceeding with right to have notice, appear at the taking of testimony, produce and cross-examine witnesses, and be heard on the argument of the case.

Section 114. Complaints.

(a) Any person, municipality, public utility or the Attorney General may file a complaint regarding any matter under the Commission's jurisdiction.

(b) Informal complaints. Complaints which do not contain a request for a hearing may be made in person, by letter, by telephone, by facsimile transmission, or by other means.

(i) Nothing in these Rules shall prevent the Commission, upon its own motion, from requesting a written complaint and investigating or holding a hearing on the complaint.

(ii) No form is prescribed for a complaint presented in the above manner, but in substance it must contain a clear and concise statement of all the facts involved, the name, address and telephone number of the complainant and the name of the utility against which the complaint is made.

(iii) The Commission may direct the utility by telephone to promptly investigate and respond to the informal complaint, and a copy of the informal written complaint, or documentation of a verbal complaint shall be forwarded by the Commission to the utility with directions to investigate and respond within a reasonable time.

(iv) The complainant or utility may request a hearing on any unresolved informal complaint.

(v) The complainant and utility may resolve any complaint

by an agreement.

(c) **Formal complaints.** Complaints requesting a hearing shall be prepared and filed with the Commission and contain the following information:

(i) The names of all complainants must be stated in full and the address of each complainant with the name and address of his attorney, if any, must be given.

(ii) A statement in ordinary but concise language of the facts on which the complaint is based, including whenever possible reference to the statutes, rules or orders that the complainant alleges have been violated, as well as a request for hearing.

(iii) When directed to do so by the Commission, the complainant shall serve a copy of the complaint, together with a copy of the Commission's order requiring the respondent to answer the complaint, upon the respondent. Service shall be had in the manner provided by § 105 of these Rules.

(d) **Answers to Formal Complaints.**

(i) Unless otherwise ordered by the Commission, within twenty (20) days after the date of receipt of the formal complaint by the respondent, the respondent or respondents complained of shall file an answer.

(ii) All answers shall contain in concise language any defenses to each claim asserted and shall admit or deny in whole or in part each claim presented by the complainant. If the respondent in good faith intends to deny each claim presented, a general denial is allowed.

(iii) If a respondent satisfies a formal complaint, either before or after answering, a stipulation of dismissal signed by both complainant and respondent shall be filed with the Commission.

Section 115. Hearings.

(a) A public hearing shall be held when a public hearing is required under the Wyoming Administrative Procedure Act. A public hearing shall also be held when ordered by the Commission.

(b) As nearly as possible, hearings shall be conducted in accordance with the following order of procedure:

(i) The presiding Commissioner or the designated hearing officer shall call by docket number and title the case to be heard.

(ii) The parties will each be allowed an opening statement to briefly explain their position to the Commission and outline the evidence they propose to offer together with purpose thereof.

(iii) Parties' evidence will be heard. Witnesses may be cross-examined by the opposing parties or their attorneys or by members of the Commission and staff and legal counsel for the Commission.

(iv) The presiding Commissioner or designated hearing officer may allow, in his discretion, evidence to be offered in any sequence.

(v) Upon motion and approval by the Commission, the Commission may allow into evidence, after service of copies on all parties of record and the same having been filed in advance of the hearing date, in a manner prescribed by the Commission, the direct testimony of a witness to be in writing, question and answer form, upon the witness being sworn and identifying the written testimony. It may be received into the record as if read, in accordance with W.S. 9-4-108 (1977) as may be amended. The witness giving such testimony in writing shall be subject to cross-examination and such evidence shall be received into the record subject to a motion to strike. The written testimony must be served on all other parties at a time set by the Commission in advance of the hearing sufficient to allow a reasonable time to prepare cross-examination.

(vi) Closing arguments of the parties will be made in the manner set by the presiding Commissioner or designated hearing officer.

(vii) Time for oral argument may be limited by the presiding Commissioner or designated hearing officer.

(viii) The presiding Commissioner or designated hearing officer may recess the hearing as required.

(ix) After all parties have been offered the opportunity to be heard, the presiding Commissioner or designated hearing officer shall declare the hearing closed. The hearing may be reopened at a later date, for good cause shown, by order of the Commission upon motion by a party or on the Commission's own motion. Nothing herein shall preclude the Commission from requesting and receiving late filed exhibits.

(c) The presiding Commissioner or designated hearing officer may, at his discretion, require parties to tender written briefs and set the time for filing such briefs, but all parties as a matter of right shall upon request be

permitted to file a brief or proposed Findings of Fact and Conclusions of Law at a time designated by the presiding Commissioner or hearing officer.

Section 116. Rehearings.

(a) Within thirty (30) days after the entry of an order by the Commission, any party may petition the Commission for a rehearing in respect to any matter determined therein.

(b) The petition shall contain the following information:

(i) The name and address of the petitioner;

(ii) A statement in ordinary, but concise, language setting forth the facts upon which the petition is based, including whenever possible reference to the statutes, rules or orders that are relied upon.

(c) Service upon all parties of record of the petition for rehearing shall be had in the same manner as provided for in Section 105 of these Rules.

(d) Unless the Commission determines that a longer time is required, all parties served with a copy of the petition shall have ten (10) days from the date of service in which to file a response.

(e) Upon the expiration of time for filing responses, the Commission will give consideration to such applications and any answers thereto that may be filed and will make such decision and order as appears to be warranted. In the event a rehearing is granted, notice of hearing shall be given in the same manner as provided for in Section 106 of these rules.

Section 117. Motions. The Commission, or a designated hearing officer, upon reasonable notice to all parties, may hear orally, or otherwise, any motion filed in connection with any matter presented to the Commission.

Section 118. Pre-Hearing Conference.

(a) At a time on or before the day of the hearing, the Commission, on its own motion or upon the motion of any party, may direct the parties to appear before the Commission or the designated hearing officer to consider:

(i) The simplification of the issues;

(ii) The necessity or desirability of amending the pleadings;

(iii) The possibility of obtaining admissions of fact and of documents to avoid unnecessary proof;

(iv) The hearing dates and other schedules; and

(v) Such other matters as may aid in the disposition of the case.

(b) Such conferences shall be conducted informally. A memorandum will be prepared as directed by the presiding officer which recites the action taken at the conference, amendments allowed, agreements of the parties and limitation of the issues to those undisposed of by admissions or agreements of counsel and the parties. The pre-hearing memorandum will control the course of the hearing unless modified by the Commission or designated hearing officer to prevent manifest injustice, and all pre-hearing agreements shall be subject to the approval of the Commission or designated hearing officer.

Section 119. Settlements. Informal disposition may be made of any hearing by stipulation, agreed settlement, consent order or default, upon approval of the Commission.

Section 120. Confidentiality of Information.

(a) Upon application, and for good cause shown, the Commission shall deem confidential any information filed with the Commission or in the custody of the Commission or staff which is shown to be of such sensitive nature that disclosure of the information would jeopardize the interests of the person filing the application. Such information shall not be disclosed by, or discussed by, the Commission or Commission staff with any other person except upon written notice to the person filing such application, affording that person the right to a hearing prior to any such disclosure and an opportunity to be heard upon the reasons for maintaining the confidentiality of such information.

(b) Procedure for confidential treatment of filed information except that filed pursuant to discovery and investigation

(i) Any person filing for confidential treatment of information (except as directed by the Commission in investigation and discovery matters) shall file a petition which must include the following information:

(A) Identify the assigned Docket, if applicable.

(B) Title the filing as: Petition for Confidential

Treatment of _____.

(C) The petition shall include numbered listings and explanations in adequate detail to support why confidentiality should be authorized for each item, category, page, document or testimony. Each item, category or page of proposed confidential information shall be numbered in the right hand margin so that the numbering corresponds with the numbering and detailed explanation(s) in the Petition. If only part of a page, or intermittent parts of pages, are requested to be kept confidential, these should be set off by brackets identified with an item number or numbers. Each page containing information for which confidential treatment is requested shall be marked or stamped at the top in capital letters: CONFIDENTIAL INFORMATION.

(D) The petition may request return or other final disposition of the information.

(ii) All information authorized to be filed under this rule, including information, testimony or evidence permitted by the Commission to be taken in camera, shall be sealed and retained in secure areas in the Commission's offices. All information for which confidential treatment is requested shall be treated as confidential until the Commission rules whether, and to what extent, the information should be given confidential treatment.

(iii) If the person petitioning for confidential treatment of information intends that parties in a case may have access thereto upon signing a statement that the information shall be treated as confidential, the petitioner shall prepare a proposed order for the Commission's approval and signatures with an attached form to be signed by parties and made part of the Commission's permanent file in that case.

(iv) Information in the Commission's confidential files shall be retained for the period of time requested, returned or destroyed, as determined by the Commission, unless otherwise requested by the petitioner and authorized by the Commission. On an appeal of a Commission final order, the confidential information or record shall be sealed and delivered to the court as part of the record file pursuant to W.S. §§ 16-3-107, 16-3-114 and 16-3-115 of the Wyoming Administrative Procedure Act.

(c) Special procedure for confidential treatment of information filed in the discovery or investigation processes.

(i) The Commission may require or authorize utilities or other persons in the discovery or investigation processes to file information, for which confidential treatment is requested, directly and exclusively with

Commission staff (including Consumer Representative Staff) or with other persons who have satisfactorily demonstrated a valid interest to the Commission.

(ii) The Commission may authorize staff (including assigned Consumer Representative Staff) and other persons to enter into agreements to treat information as confidential under this special procedure. Any filing held by Commission staff or any other authorized person on this expedited confidential basis, shall be treated as confidential unless otherwise ordered by the Commission.

(iii) Information submitted directly to the Commission staff shall be filed by means of a cover letter, with a copy to the Commission, which generally identifies that information in the filing for which confidential treatment is requested. A person seeking to introduce any of this information as evidence in a public hearing record under the confidentiality basis, must then file a petition in the form and detail set forth in subsection (b) of this Rule.

(d) Procedural hearing on protests of confidential treatment of information.

(i) The Commission will set a hearing if any person contests the Commission's authorization or denial of the confidential treatment of any information.

(e) Burden of Proof. The burden of proof is upon the person seeking confidential treatment for information. The original supplier of information (if different than the person petitioning for confidential treatment) may be directed by the Commission to share the burden of proof.

(f) Medical and financial records. The medical and financial records of any utility customer shall be treated as confidential under this rule except as otherwise directed by the Commission.

Section 121. Transcript of Testimony. Copies of the transcript of testimony taken by the Commission or designated hearing officer at any hearing may be obtained by any party thereto or any person interested therein from the reporter taking the testimony at such fee as he or she may charge therefor.

CHAPTER II.

GENERAL REGULATIONS

Section 201. Applicability. The rules of this chapter apply to all matters before the Public Service Commission of Wyoming, except as may be otherwise provided for transportation matters, and where the rules specify the type of utilities to which they apply.

Section 202. Definitions. All of the definitions contained in the Wyoming Public Utilities Act and the Wyoming Administrative Procedure Act are incorporated herein by reference. In addition, the following definitions as used in these regulations shall apply:

(a) "Financial condition" shall include the following information, and where practical may be presented in the manner prescribed in the uniform system of accounts for the FERC, FCC, REA, ICC, NARUC or in such manner as may hereafter be prescribed by the Commission.

(i) The amount and class of stock authorized by the certificate of incorporation and by any other authority.

(ii) The amount and classes of stock issued and outstanding.

(iii) The terms of preference of all preferred stock.

(iv) A brief description of each mortgage upon any property of the applicant, giving date of execution, name of mortgagor, the name of the mortgagee or trustee, the amount of indebtedness authorized to be secured thereby, the amount of indebtedness actually accrued, the amount of principal outstanding, the amount of interest due and unpaid, and a brief description of the mortgaged property.

(v) The number and amount of bonds authorized and issued, giving the name of the issuing company, describing each class separately, giving the date of issue, par value, rate of interest, date of maturity and how said bonds are secured. If convertible debentures are authorized or outstanding, the date when the conversion privilege accrues and expires, and the securities into which, and the rates at which conversion may be made, shall be given.

(vi) Other indebtedness, giving name of classes and describing security, if any.

(vii) The amount of interest paid during the previous calendar year and the rate thereof. If different rates were paid, give the amount paid at each rate.

(viii) The rate and amount of dividends paid upon each class of stock during the previous five years.

(ix) A detailed income statement and balance sheet for the latest calendar year.

(b) "Utility" or "public utility" means any person, entity or operation as defined by W.S. 37-1-101 (1977) as may be amended.

(c) "Major utility facility" means:

(i) An electric generating plant and associated facilities, utilizing any source of energy;

(ii) An electric transmission line or an electric distribution line of more than three (3) miles, designed for operation at sixty-nine (69) KV or above;

(iii) An electric substation or a switching station designed to operate at sixty-nine (69) KV or above;

(iv) A natural or manufactured gas transmission pipeline, a natural or manufactured gas processing plant, a natural or manufactured gas compressor station, or a natural or manufactured gas storage system, any part of which is designed for or capable of transporting or storing natural or manufactured gas at pressures in excess of one hundred twenty-five pounds per square inch gauge, but excluding distribution facilities;

(v) Common carrier communication facilities:

(A) Microwave facility or communication tower;

(B) Open wire or cable toll lines;

(C) Multi-channel underground toll lines.

(vi) A crude oil trunk transmission line, a liquid petroleum or refined products trunk transmission line, or associated processing, or pumping facilities, any part of which is designed for or capable of processing or transporting crude oil, or liquid petroleum or refined products, excluding well head facilities;

(vii) A coal slurry common carrier pipeline;

(viii) A coal gasification plant and associated facilities, or a plant and associated facilities for in situ utilization of coal for gas;

(ix) A major water transmission line, a water pumping station, water storage facilities, or water diversion facilities, not including construction accomplished in the regular course of business.

(d) "Construction necessary in the ordinary course of business" means any work done primarily to provide continued service to customers within the utility's certificated area or to improve the quality or quantity of service provided to such customers or to the routine extension of facilities to make service available to new customers within the utility's established certificated area or within territory contiguous thereto.

(e) "Contiguous territory" means that territory lying immediately adjacent to the line, plant or system of any public utility; however, this definition shall not be construed to mean the extent of territory beyond the area immediately adjacent to the utility's line, plant or system, even though such territory is not occupied by another utility.

(f) "Commencing construction" means any excavation or physical placement of fixed facilities, but does not mean work done for the purpose of studying or testing possible facility locations.

(g) "NESC" means National Electrical Safety Code; "NEC" means National Electrical Code; "ANSI" means American National Standard Institute.

Section 203. Applications. When Required. Applications shall without exception be filed in the following circumstances:

(a) To commence utility operations or construction of major utility facilities where a Certificate of Public Convenience and Necessity is required (Sections 204, 205 and 206 below);

(b) To discontinue or abandon any type of service currently offered (Section 208 below);

(c) To sell, lease transfer or otherwise dispose of a utility or the controlling interest in a utility (Section 209 below);

(d) To establish new or to change existing tariffs (Section 210 thru 222 below; see Chapter VIII for transportation utilities);

Section 204. Applications for Certificates of Public Convenience and Necessity. Any person who will become a public utility after the construction and operation of utility facilities shall prior to commencing construction file an application for a certificate of public convenience and necessity including the following information:

- (a) The name and address of the applicant;
- (b) The type of plant, property or facility proposed to be constructed;
- (c) A complete description of the facilities proposed to be constructed, including preliminary engineering specifications in sufficient detail to properly describe the principal systems and components; and final and complete engineering specifications when they become available;
- (d) List the rates, if any, proposed to be charged for the service that will be rendered because of the proposed construction;
- (e) State the estimated total cost of the proposed construction;
- (f) State the manner by which the proposed construction will be financed;
- (g) State the financial condition of the applicant;
- (h) State the estimated annual operating revenues and expenses that are expected to accrue from the proposed construction;
- (i) State the estimated starting and completion date of the proposed construction;
- (j) This provision shall not be construed to require the filing of an application for construction necessary in the ordinary course of business or for a contiguous extension; providing that this exception does not apply to a person who will become a public utility after such construction;
- (k) If the project is a major utility facility, the application shall also contain the information required by Section 205 and 206 (where applicable) below;
- (l) Each utility which proposes to extend utility service on a contiguous basis under W.S. 37-2-205 (1977) to a person not located within its certificated service area shall file a letter request and obtain authority from the Commission therefor prior to such extension, unless an emergency exists requiring immediate extension. Where an emergency contiguous extension is made, the utility shall advise the Commission simultaneously therewith.

The utility shall for contiguous extension(s) obtain a certificate of public convenience and necessity as it may deem appropriate or upon order of the Commission. No contiguous extension of service shall be made without compliance with Section 205 below and the contested case requirements of the Wyoming Administrative Procedure Act, where applicable.

Section 205. Major Utility Facility Construction. Additional Information Required. Any person proposing to construct a major utility facility for which a certificate of public convenience and necessity is required shall also submit the following information with the application:

(a) The proposed site by an appropriate description of the involved properties and the county or counties in which the major utility facility will be located and where possible a metes and bounds description; a description of the route of line or lines in the project and the number of route miles located in each county; a description of the various types of country in or through which the facility will be constructed;

(b) A brief report on the surrounding scenic, historical, archeological and recreational locations, natural resources, plant and animal life, land reclamation, possible safety hazards, and plans for protecting the environment.

(c) Land, mineral and water requirements for the major utility facility, the status of the acquisition of land, or rights-of-way or of minerals and water for the project, the sources or locations thereof, and the proposed method of transportation and utilization;

(d) A statement setting forth the need for the project in meeting present and future demands for service, in Wyoming or other states, and the proposed sale of the utility commodity or service which the construction of this facility will make available;

(e) A statement of the effect of the project on applicant's and other systems' stability and reliability, if applicable;

(f) The estimated cost of and plans for financing the project, and a statement of the estimated effect of the project on applicant's revenues and expenses;

(g) A list of local, state, Indian, or federal governmental agencies having requirements which must be met in connection with the construction or operation of the project, and the status before those agencies; and applicant shall file such agency's final order when entered.

Section 206. Power or Coal Gasification Plant. Additional

Information Required. The following information, additional to that required in Sections 204 and 205 above, shall be included in any application to construct a major utility facility which is an electric generating plant or coal gasification plant:

(a) A general description of the devices to be installed at the major utility facility to protect air, water, chemical, biological and thermal qualities; the designed and tested effectiveness of such device; and the operational conditions for which the devices were designed and tested;

(b) The name of any body or source of water or river along which the major utility facility will be constructed or from which it will obtain or return water;

(c) A geological report of the station site including foundation conditions, groundwater conditions, operating mineral deposits within a one-mile radius; and a topographical map showing the area within a five-mile radius.

Section 207. Major Utility Facility, Commencing Construction.
The Commission may set the time interim between the filing of an application for authority under these Rules and commencing construction of a major utility facility.

Section 208. Application for Discontinuance or Abandonment of Service for Discontinuance of the Operation or for Abandonment, Transfer, Lease, etc. of Utility Plant or Facilities.

(a) Any public utility proposing to discontinue or abandon any type of utility service currently offered to the public, or to discontinue using, abandon, transfer, sell, lease or otherwise dispose of any utility plant or facilities used or useful in providing service to the public generally, shall prior to such action obtain authority therefore from the Commission by filing an application substantially in the form of Section 901, d (Form No. 4) of Chapter IX.

(b) The utility shall include in the application, studies of past, present and prospective customer use of the subject service, plant or facility as is necessary to support the application.

(c) An application shall not be required to remove individual facilities where a customer has requested service discontinuance.

Section 209. Application for Authority to Abandon, Sell, Lease, Transfer or Otherwise Dispose of a Public Utility or a Controlling Interest in a Public Utility. Any public utility proposing to sell, lease, transfer or

otherwise dispose of the public utility or a controlling interest in a public utility, as evidenced by a controlling stock interest, shall, prior to such sale, lease, transfer or other disposal, file an application for authority to do so in the form of Section 901, e (Form No. 5) of Chapter IX including the following information:

- (a) The address of the applicant;
- (b) List and describe the public utility or the controlling interest in the public utility proposed to be abandoned, sold, leased, transferred or otherwise disposed;
- (c) The financial condition of the applicant;
- (d) List the name and financial condition of the purchaser, lessee or assignee;
- (e) State the terms and conditions of the proposed abandonment, sale, lease or assignment and provide copies of any agreement which has been or will be executed concerning the same;
- (f) State the effect of the proposed transaction upon the service of the applicant;
- (g) State the method by which the proposed transaction is to be financed;
- (h) State the effect the proposed transaction will have on any other utility, and if so, in what respect.

Section 210. Application for Authority to Change or Establish Tariffs (Except Transportation Utilities). Any public utility, except transportation utilities, proposing to establish new or change existing tariffs shall, prior to the establishment of the tariffs, file an application containing the following information:

- (a) All tariffs shall be submitted in five copies and must be in book, pamphlet or loose leaf form, printed, typewritten or otherwise legibly reproduced on 8-1/2 by 11 inch paper;
- (b) The tariff shall be accompanied by a front cover page which shall state:
 - (i) The name of the utility and location of its principle office;
 - (ii) The type or class of service rendered;

- (iii) The general territory served;
- (iv) The date of issue and the date the tariff is to become effective;
- (v) The signature of the officer or agent of the utility authorized to issue tariffs; and
- (vi) The second and succeeding pages of all tariffs shall state the applicable rate schedules showing all rates and charges from the various separate classes of service and the applicable rules and regulations of the utility.

(c) In addition to a statement of all applicable schedules of rules and charges for the various separate classes of service, the separate succeeding tariff pages shall also state the area, city or other district in which the schedules of rates and charges are applicable, provided, however, that if the rates and charges are applicable in more than two (2) areas, cities or other districts, the tariff shall be accompanied by an accurate index showing the city or other district in which the specific schedules of rates and charges are applicable. If an index is required, a reference to the area, city or other district in which the schedules of rates or charges are applicable may be shown on the separate tariff pages by reference to the index.

(d) In a tariff in which more than one schedule of rates and charges are available for various classes of service, each schedule of rates and charges shall be identified by a number or by a group of letters and if a group of letters is used the designation shall be indicative of the class of service to which the schedule is applicable.

Section 211. Form of Tariffs. All tariffs (except transportation tariffs) shall be designated in the following manner unless otherwise specified:

(a) All tariffs must bear in the upper right-hand corner of the front cover page a P.S.C. Wyo. Number. Subsequent tariffs filed must continue such designation in consecutive numerical order. Any subsequent tariff must also show the P.S.C. Wyo. Number of the tariff cancelled, changed or modified by it;

(b) When tariffs are filed in loose leaf form, each page shall bear the P.S.C. Wyo. Number of the tariff of which it is a part, the date issued and effective, and, in the upper right-hand corner, a further designation, such as "Original Sheet No. 1," "Original Sheet No. 2," etc. In case of a change in the text of any page as hereinafter provided, the further designation should be

"First Revision of Original Sheet No. 1, canceling Original Sheet No. 1," etc.;

(c) If tariffs are filed in book or pamphlet form, additional schedules of rates or rules and regulations may be filed by supplement to an existing tariff and any supplement so filed shall be numbered consecutively and shall state the tariff supplemented by the P.S.C. Wyo. Number of such tariff. Tariffs filed in loose leaf form may be supplemented by filing additional sheets or pages designated in accordance with subsections 1 and 2.

Section 212. Tariff Changes. Notice Requirements. Any public utility proposing a change in rate schedules or any other provision of a tariff shall notify the Commission and the affected public in the following manner:

(a) Notice to the Commission of the establishment or change of a tariff shall be given by the utility by delivering to the Commission five (5) complete copies of the tariff, or revised sheets thereof, stating all the rates and other provisions it proposes to establish or change, at least thirty (30) days prior to the proposed effective date, unless filed with a petition to place the rates in effect on less than thirty (30) days' notice; and if the proposed change results in an increase or decrease in rates, the estimated annual effect on revenues by Report of Tariff Change, Form No. 6, Chapter XIV.

(b) Notice to the public of the establishment or change of a tariff shall be given by the utility in the following manner:

(i) The tariff or revised sheet stating the proposed rates, rules, regulations, etc., shall be exhibited in the offices and places of business of the utility in the territory affected when the same is filed with the Commission; and approved rates shall be likewise exhibited for thirty (30) days after they have been placed in effect.

(ii) Upon the filing of an application by a utility for a proposed rate increase or other adjustment, the Commission shall prescribe the manner by which the public will be notified and such notice may be given personally, by newspaper publication or by a combination of the two.

Section 213. Tariffs. Availability to Public for Review. The agent or representative of the utility in charge of an office or place of business shall accord interested persons an opportunity to examine any tariffs or proposed tariff changes during regular office hours, and shall give Commission Staff access to any information regarding such tariffs or proposals. This shall not be construed to in any way limit the right to discovery under the Wyoming Administrative Procedure Act. Interested persons may review proposed tariff changes at the Commission's offices during regular office hours.

Section 214. Tariff Changes. Suspension of, by the Commission. The Commission may suspend any proposed tariff rates, charges or regulations pursuant to W.S. 37-3-106 as amended, and the previous rates, charges or regulations will remain in effect during the period of suspension or until approved, denied or replaced by rates or tariffs pursuant to Commission final order issued after public hearing or opportunity for hearing.

Section 215. When Filed Rates Remain in Effect During Investigation. Rates or other tariffs may be investigated on the Commission's own motion or pursuant to formal complaint and the existing rates shall remain in effect unless and until otherwise ordered by the Commission after public hearing or opportunity for hearing.

Section 216. Operating Rules and Regulations of Utilities. Every utility shall promulgate and file with the Commission rules and regulations to govern the provision of utility service to its customers. However, all provisions of the rules and regulations of the utility shall conform in principle, meaning and substance with any applicable regulations prescribed in these Rules. If any utility's rules and regulations do not so conform, the utility shall revise that part of its rules and regulations which do not agree with the Commission's Rules and Regulations, and shall file its revised rules and regulations with the Commission within ninety (90) days from the effective date of the Commission's Rules and Regulations.

Section 217. Filing of Authorized Tariff Changes. When the Commission orders or approves a new rate or tariff provision replacing an existing tariff, the utility upon filing the same shall submit to the Commission, with the changed tariff or revised tariff sheet, a report of tariff change (Form No. 6, Chapter X).

Section 218. Filing Contracts. Every utility shall file with the Commission one copy of all special contracts which govern the sale by the utility of public utility service or the purchase by the utility of a utility commodity for resale. If the utility has numerous sale or purchase contracts which are in all essentials similar, the utility may request to file a selected one or a few in lieu of filing all such contracts.

Section 219. Adoption of Rates. Change of Ownership. In case of a change in ownership or control of a utility, or when a utility or a part of its business is transferred from the operating control of one company to that of another, or receivers or trustees assume possession and operation of a utility, the receiver, trustee or company which will thereafter operate the utility business must use the rates, classifications and regulations of the former operating company, unless authorized to change by the Commission said transferee shall issue and file an adoption notice, adopting, ratifying and

making its own all rates, rules, classifications and regulations of the former operating utility on file with the Commission and effective at the time of such change of ownership or control.

(a) Adoption notices must likewise be filed by receivers and trustees who assume possession and operation of utilities. Adoption notices may be filed and made effective without previous notice.

(b) All adoption notices shall be filed in consecutive numerical order, beginning with P.S.C. Wyo. Adoption Notice No. 1, and subsequent adoption notices filed by any public utility taking over another utility shall be consecutively numbered.

(c) Within ten (10) days after the filing an adoption notice as aforesaid by a company which previously had no tariff on file with the Commission, said utility shall issue and file in its own name the tariff of the predecessor utility then in effect and adopted by it, or such other tariff as it proposes to put into effect in lieu thereof, in the form and manner prescribed in these Rules.

(d) Within ten (10) days after the filing of an adoption notice by a company which previously had a tariff on file with the Commission, said utility shall issue and file in its own name rate schedules and regulations (on additional or revised sheets to its existing tariff, or by a complete reissue of its existing tariff, or otherwise), which shall set out the rates and regulations of the predecessor utility then in effect and adopted by it, or such other rates and regulations as it proposes to put into effect in lieu thereof, in accordance with the provisions of these Rules with proper identifying designation.

Section 220. Adoption of Rates, Notice Requirement. When a tariff or revision is issued by a utility which states the rates, rules, and regulations of the predecessor utility without change in any of the provisions thereof, the same may be filed without notice; but when such tariff or revision states any change in the rates, rules and regulations of the predecessor utility, such tariff or revision shall be subject in all respects as to filing and notice as herein provided.

Section 221. Withdrawal or Cancellation of Tariffs. Every public utility desiring to withdraw or cancel any tariff or any provision of a tariff which is considered no longer effective or necessary, shall file with the Commission an informal application setting forth its reasons for desiring to withdraw or cancel such tariff or provision of a tariff, and requesting permission to withdraw same. When a utility ceases operation or discontinues all service upon authority of the Commission, the tariffs of the utility then on file shall be withdrawn and cancelled by the Commission.

Section 222. Request for Informal Approval. For any action, exemption or other matter which requires the informal approval of the Commission as provided in these Regulations, the utility shall file a written statement with the Commission setting forth the request of the utility and the reasons therefor.

Section 223. General Record Keeping and Reporting, and Systems of Accounts. Each utility shall keep general and auxiliary accounting records reflecting the cost of its properties, operating income and expense, assets and liabilities and all other accounting and statistical data necessary to give complete and authentic information as to its properties and operations. For purposes of compliance with this rule the following systems of accounts and methods shall be utilized:

(a) Privately owned gas and electric utilities shall maintain their accounting books and records on a uniform basis. The accounts will be numbered and titled in the same manner as the Uniform System of Accounts promulgated by the Federal Energy Regulatory Commission or the National Association of Regulatory Utility Commissioners.

(b) Electric utilities classified as Rural Electric Associations or Rural Electric Cooperatives will maintain their accounting records in a manner prescribed by the Rural Electrification Administration.

(c) Privately owned telephone utilities will maintain their accounting books and records on a uniform basis. The accounts will be numbered and titled in the same manner as the Uniform System of Accounts for Class A and Class B Telephone Utilities promulgated by the Federal Communications Commission.

(d) Telephone utilities classified as R.E.A. Telephone Cooperatives will maintain their accounting records in a manner prescribed by the Rural Electrification Administration.

(e) Water utilities coming under the jurisdiction of the Wyoming Public Service Commission will maintain their accounting records in conformity with the Uniform System of Accounts for Class A, B, C and D Water Utilities as promulgated by the National Association of Regulatory Utility Commissioners.

(f) Each entry must be supported by such detailed information carried in appropriate side ledgers or other books or documents, as will enable a ready identification and verification of the transaction recorded.

(g) Any intrastate utility who may be engaged in any other business in addition to its utility business, or who may operate in any other state as